

closing their doors for good, unless they receive this critical assistance soon. The funding approved by the Senate today may not be enough to guarantee their future, but at least it offers much needed support.

This relief is long overdue, and I commend the Senate for taking action.

When these devastating storms struck, the entire nation responded in a way that is as caring and as generous as the American spirit.

Thousands volunteered to help. Families opened their homes. School districts across the country accommodated displaced students in their schools. Colleges and universities graciously opened their doors.

The Nation is grateful to all who did so much to help respond in the tragic aftermath of the hurricanes. We are grateful to the school principals and superintendents and the college presidents and deans who served as first-Responders and helped so many students continue their education.

But these educators need help as they struggle to accommodate the students. Congress must do its part to help these devastated communities get back on their feet and enable students to return to their schools. We also need to help the institutions that are laboring so hard to provide a safety net for these children and their families.

That is why the proposals in this conference report are so important. This funding will rehabilitate and strengthen the educational institutions that serve and assist children and students affected by Hurricanes Katrina and Rita, and help meet the needs of early education, elementary and secondary education, and higher education.

Thousands of young children affected by the storms need to return home to safe and healthy settings. They need good early childhood programs in adequate facilities. Their families need health and counseling services to cope with the trauma brought on by the storms.

The bill facilitates enrollment in Head Start and Early Head Start by waiving income eligibility and other requirements, so that families affected by Katrina will be able to enroll their children more easily. It provides \$90 million for affected Head Start centers to provide preschool opportunities to displaced students. It also provides additional support and guidance to meet the emotional needs of children and their families.

We are reminded by this disaster that schools are the heart of local communities across America. When schools open, families return, businesses return, and lives begin to return to normal. So I am pleased that the report provides \$750 million for special school reopening grants to districts and communities significantly affected by Hurricane Katrina.

These grants will aid in the effort to retain highly qualified teachers, recover lost data, establish temporary facilities, and take other steps necessary to reopen the schools.

The bill also responds to the efforts of schools in Texas, Georgia, Florida, and other States that opened their doors to displaced students. It provides \$645 million for public and private schools that have enrolled displaced students, in order to ease the transition of students into new schools, support basic instruction, purchase textbooks and materials, and temporarily expand facilities to avoid overcrowding.

Both public and private schools can benefit from this aid, but the proposal sets ideology aside and rejects the attempts by the House and the administration to provide this aid in the form of vouchers to parents through a 1-800 number. Instead, the bill uses the mechanisms of current law to provide aid for students in private schools through the public school system.

The funds can only be used for the same list of allowable educational services as for public schools and so cannot and should not be used for religious activities. It makes clear that all of the aid is temporary, and is being provided in response to the extraordinary circumstances resulting from these disasters. It is not a precedent for future policymaking.

In addition, to help meet the demand for qualified teachers, the bill authorizes the Secretary of Education to encourage states to extend temporary reciprocity for the certification of teachers and para-professionals across state lines. Teachers certified as highly qualified in one state should be recognized as meeting this standard in other States as well.

To ease the burden faced by colleges and universities in the declared disaster area, the bill also authorizes the Secretary of Education to waive various Federal reporting requirements. It includes \$200 million for student aid and waives the institutional matching requirement for students affected by the hurricane. These funds can also be used to help institutions in Louisiana rebuild their facilities and welcome their students home. Our priority should be to help these colleges and universities move into the future.

This relief package is a welcome step to help life return to normal for the hundreds of thousands of children and students uprooted by these deadly storms. We begin today to help the gulf coast communities rebuild and re-open their schools and colleges.

We need to continue this important work in the coming weeks, by assessing the ongoing needs of those affected by the hurricanes, and doing all that is necessary to help them rebuild their lives.

#### FAILURE OF HOUSE OF REPRESENTATIVES TO PASS S. 1558

Mr. LEAHY. I am disappointed that the House of Representatives has failed to act on S. 1558, which passed the Senate on November 10. This bill was introduced by Senators COLLINS and LIE-

BERMAN. I worked with them to amend it to extend for 4 years the "sunset" of a provision first enacted in the Identity Theft and Assumption Deterrence Act of 1998 that grants the Judicial Conference of the United States the authority to redact information from a judge's mandatory financial disclosure in circumstances in which it is determined that the release of the information could endanger the filer or the filer's family. The bill, as amended, also extends the protections of this provision to the family members of filers.

Like the more comprehensive court security measure Senator SPECTER and I have introduced, S. 1968, the Court Security Improvement Act of 2005, CSIA, from which it is drawn, S. 1558 provides judges and their families with needed security by extending the judges' redaction authority without interruption and expanding it to their families. It also strikes the right balance with the need for continuing congressional oversight to prevent the misuse of this redaction authority, which has been a matter of some concern to me. I appreciate that the Judicial Conference is seeking to improve its practices and the Senate passed S. 1558 because none of us wants to see judges or their families endangered. Now, because of the failure of the House to pass S. 1558 and enact the reauthorization of redaction authority for another 4-year period, these protections will lapse at the end of the year.

#### EPA'S PROPOSED PARTICULATE MATTER STANDARDS

Mr. JEFFORDS. Mr. President, I rise to speak on behalf of myself and Senators CARPER, BOXER, CLINTON, LAUTENBERG, LIEBERMAN, and OBAMA.

Last night, the U.S. Environmental Protection Agency proposed new National Ambient Air Quality Standards for fine particulate matter. The National Ambient Air Quality Standards are the cornerstone of the Clean Air Act. These standards must be set at a level "requisite to public health" with "an adequate margin of safety." They are to be based on the "latest scientific knowledge," and EPA is prohibited from considering costs in setting them. Their fundamental purpose is to ensure that our air is safe to breathe.

We have known for years that fine particle pollution causes premature death, increased asthma attacks, and numerous other health effects. In 1997, EPA revised the particulate matter standard on the basis of that evidence. The Clean Air Act directs that EPA, together with an independent scientific review panel, examine the available scientific evidence and determine whether the existing standard needs to be changed. The proposal by EPA last night, coming almost 5 years late, represents the end result of that effort. Unfortunately, EPA selected the weakest option available to it.

In determining whether to revise the standard, EPA reviewed the more than

2000 scientific studies that have been published since 1996. These studies confirm the earlier research results that demonstrate the strong relationship between particle pollution and illness, hospitalization, and premature death. Some of the more recent studies show the strong relationship between particle pollution and cardiovascular illnesses that trigger heart attacks and strokes. These studies also indicate a stronger relationship between short term PM exposure and health effects than was evident in 1997.

Under the Clean Air Act, EPA is required to consider the advice of an independent scientific review panel, the Clean Air Science Advisory Committee, CASAC, which must include at least one member of the National Academy of Sciences, one physician, and one person representing State air pollution control agencies. That body exhaustively reviewed the current body of scientific evidence and concluded that EPA must revise both its short term—24 hour or daily—PM standard, and its annual PM standard. Unfortunately, EPA chose to disregard that advice and proposed to only revise the daily standard. And in making its proposal on the 24-hour standard, it chose the highest level recommended by CASAC—35 micrograms per cubic meter.

It is apparent that the level proposed by EPA was not based entirely on the latest scientific knowledge. The level of the standard proposed by EPA will leave millions of Americans unprotected. It will also require few, if any, additional controls to be put in place. EPA chose the least protective approach that it could and disregarded the advice of the CASAC by failing to revise the annual standard. Had EPA followed the recommendations of CASAC, it could have proposed options that would have prevented more than twice as many deaths. That is not even considering the Clean Air Act requirement for an "adequate margin of safety" that considers "sensitive subpopulations."

Playing politics with public health is unconscionable. When these standards were last revised in 1997, they were subject to multiyear litigation battle. Ultimately the Supreme Court unanimously upheld the 1997 standards and the scientific process that was used to develop them. The science we have available to us today is even clearer than it was then. Fine particle pollution kills people at levels below the existing standards. We need to change these standards and heed the advice of our best and brightest scientific minds. We need to let them tell us when the air is safe to breathe. When EPA makes its final decision in September regarding a new national ambient air quality standard, it must do so based on scientific, rather than political considerations. The very lives of our citizens depend on it.

#### CAPITAL PUNISHMENT

Mr. FEINGOLD. Mr. President, we recently passed a disturbing milestone in this country. One morning just a few weeks ago in North Carolina, Kenneth Lee Boyd was put to death by lethal injection. Mr. Boyd's was the one thousandth execution since the death penalty was reinstated in 1976. While a jury decided that his guilt was not in doubt, confidence in the extraordinary punishment he received increasingly is.

Across the Nation, people are reconsidering capital punishment. Recent polls, jury verdicts, and actions taken by all three branches of government in States across the country reflect the changing attitudes about the death penalty in this country. Americans are increasingly concerned about the use of this very final punishment.

With advances in DNA technology, numerous exonerations of people on death row, and new revelations that innocent people have actually been put to death, more and more people are questioning the accuracy and fairness of the administration of the death penalty. In addition, more and more people have qualms about the very concept of state-sponsored executions. This trend is a hopeful sign, as I believe there continue to be numerous moral, ethical and legal problems with the death penalty.

According to a series of Gallup polls, opposition to the death penalty has grown from 13 percent of Americans in 1995 to 30 percent in October of this year. Think about that. In just 10 years, we went from a vast majority of Americans supporting the death penalty, to nearly one-third now opposing it. That is the highest level of opposition since its reinstatement almost 30 years ago. And a CBS News poll from April indicates that when people were asked whether they prefer the death penalty or life without parole for individuals convicted of murder, only 39 percent supported the death penalty.

Evidence of the changing attitudes about the death penalty can be seen across America. The U.S. Conference of Catholic Bishops recently launched a campaign to end the use of the death penalty. In New York earlier this year, the State's highest court struck down the State's capital punishment statute, which had passed only 10 years earlier in 1995. The legislature then declined to reinstate the law, making New York the first state to abandon capital punishment since 1976. That is a remarkable sign of progress.

Meanwhile, just over the river in Virginia, the death penalty was a key issue in the last gubernatorial election. Tim Kaine, the current Lieutenant Governor, has long been personally opposed to the death penalty, although he pledged to enforce the law in Virginia. In the final weeks before the election, his opponent Jerry Kilgore began an ad campaign that heavily criticized Kaine's opposition to the death penalty. Kilgore strongly supports capital punishment and during

the campaign he said he would push to expand its use in Virginia. But when Kilgore went after Kaine on the death penalty, Virginians did not take the bait. Despite Kilgore's attack ads, the citizens of Virginia elected Kaine Governor, and he will become Virginia's Governor in January.

I think what happened in Virginia strongly demonstrates how far we have come. This issue can no longer be used as a political grenade. A majority of Americans may not yet oppose the death penalty, but the electorate understands what a serious issue this is, and it will not stand for capital punishment to be exploited for political purposes.

Yet another example of the seriousness with which citizens and politicians alike are treating this issue is outgoing Virginia Governor Mark Warner's recent commutation of the sentence of Robin Lovitt to life in prison. Mr. Lovitt was convicted of robbery and murder and sentenced to death, but before he had exhausted all judicial remedies, a court employee destroyed the physical evidence in his case—the very evidence that Lovitt said would exonerate him if subjected to new advanced DNA analysis. Under Virginia law, the Commonwealth must keep all physical evidence until the defendant has exhausted all posttrial remedies. Although Governor Warner is a death penalty supporter, he decided that he simply could not put a man to death when the State itself had destroyed his ability to prove his innocence. As he put it, he believed that the case "require[d] executive intervention to reaffirm public confidence in our justice system." In his almost 4 years as Governor, this was the first time Governor Warner granted a clemency petition.

On the other side of the country, we have seen a great deal of public debate as Governor Schwarzenegger considered a clemency petition for Stanley Tookie Williams. Williams was a founding member of the Crips gang and was convicted of four murders in 1981. During his years in prison, however, Williams, by all accounts, worked to turn his life around. He denounced gang violence, tried to keep kids out of gangs, and even helped broker peace deals between rival gangs. Governor Schwarzenegger denied clemency and refused to commute Mr. Williams' death sentence to life without parole. The State of California put Mr. Williams to death on December 13.

Much more is happening at the State level that has not received nearly as much attention. North Carolina and California recently created commissions to study the administration of the death penalty in their respective States, joining many other states that have already done so. Moratoriums on executions remain in place in Illinois and New Jersey, and are under consideration in other States. Many State legislatures have worked to address flaws in their systems or even rejected